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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas Francis McGee III et al.
SERIAL NO.: 09/771,870 EXAMINER: Baoquoc N. To
FILED: January 29, 2001 ART UNIT: 2172
FOR: METHOD FOR SEARCHING FOR TELEVISION PROGRAMS

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-14

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REQUEST FOR RECONSIDERATION

Dear Sir:

In response to the Office Action dated August 1, 2003, please reconsider the application in view of the following remarks. Faverable reconsideration is respectfully requested.

In the Office Action, claims 1-3 and 9-12 were rejected under 35 U.S.C. 103 as being unpatentable over Nikolovska et al. (U.S. Patent No. 6,473,751). Claims 4-8 were rejected under 35 U.S.C. 103 as being unpatentable over Nikolovska et al. in view of Stubbe et al. (U.S. Patent No. 5,469,206).

Effective November 29, 1999, subject matter which was prior art under former 35 USC 103 via 35 USC 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person”. MPEP 706.02(I)(1).

- Nikolovska et al. has an issue date of October 29, 2002 and is available as prior art with respect to the present application under former 35 USC 103 only under 35 USC 102(e).
- The present application was filed on January 29, 2001 and therefore is entitled to the benefits of the November 29, 1999 changes to 35 USC 103(c).
- The subject matter of Nikolovska et al. and the claimed invention are and were, at the time the claimed invention was made, *owned by, or subject to an obligation of assignment to, the same person(s) or organization(s)*. This statement is “sufficient evidence of common ownership” as noted in MPEP 706.02(I)(2)(I).

In view of the foregoing, it is respectfully submitted that Nikolovska et al. is to be disqualified as prior art in this application and that the application is therefore, in condition for allowance.

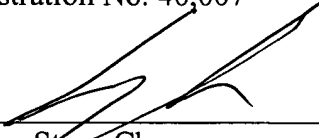
Accordingly, withdrawal of the rejection is respectfully requested with regard to claims 1--24.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross
Registration No. 40,007

Date: 10/20/03

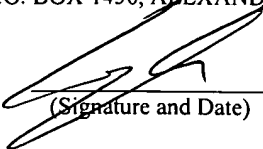
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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)